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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/938,117

08/23/2001

Craig L. Ogg

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08/25/2005

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EXAMINER

BASS, JON M

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/938,117	OGG, CRAIG L.	
	Examiner	Art Unit	
	Jon Bass	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the communication filed on August 23, 2001. Claims 1-12 are pending in this application.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449 is attached to the instant Office action.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.
4. The drawings are objected to because:
 - A) The following errors have been noted in the drawings:

- The drawings are objected to as failing to comply with 37 CFR j

1.84(p)(5) because they include the following reference sign(s) not mentioned in the description, note:

(a) Reference legend 112 & 124 as fig. 12 is described in the paragraph located between page 10, line 22, and page 11, line 8, "Turning to FIG. 8, a flowchart ... and will then select a paper feed 114 (if not already defaulted). The software ... step 122. Lastly, a valid indicia and selected FIM A-C mark will be printed on the mail piece."

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-12 are rejected under 35 U.S.C. 101 because: the invention as claimed is directed to non-statutory subject matter.

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title" .

9. As set forth by the Court in:

A) In re Musgrave 167 USPQ 280 cannot agree with the Board that these claims at 289-290 (CCPA 1970), We (all the steps of which can be carried out by the disclosed apparatus) are directed to non-statutory processes merely because some or all of the steps therein can also be carried out in or with the aid of the human mind or because it may be necessary for one performing the process to think. All that is necessary, in our view, to make a sequence of operational steps a statutory "process" within 35 U.S.C. 101 is that it be in the technological arts so as to be in consonance with the Constitutional purpose to promote the progress of "useful arts." Cons. Art. 1, sec. 8. ", and

B) In re Sarkar 100 USPQ 132 @ 136-137 (CCPA 1978), echoing the Board of Appeals stated in regard to claim 14 G 14. A method of locating an obstruction in an open channel to affect flow in a predetermined manner comprising:

- a) obtaining the dimensions of obstruction which affect the parameters of flow;
- b) constructing a mathematical model of the open channel in which said obstruction is to be located in accordance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for

purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Raymond Herbert (US Patent Number 6,102,592) hereinafter referenced as Herbert.

As Per Claims 1, and 11:

Herbert discloses a method for a postage indicium fraud detection method for permitting the automated processing of void mail pieces bearing a unique indicium, comprising, [{fig 1}, illustrates a mail item bearing an imprint of a postage indicium]:

printing a first unique indicium on a mail piece or a label to be applied to a mail piece, which first unique indicium is adapted to be identified and sorted by automated mail handling equipment and which unique indicium identifies the mail piece as being a void mail piece, [{col.2, lines 1-15}, print head to print marking on the mail item for evidencing].

As Per Claim 2:

Herbert discloses a method for The postage indicium fraud detection method of claim 1, wherein the first unique indicium comprises a unique facing identification making (FIM) different from FIM A, FIM B, and FIM C, which uniquely identifies the mail piece as being a void mail piece, and which unique facing identification marking is used by automated mail handling equipment to segregate void mail pieces bearing the unique facing identification marking from mail pieces not bearing the unique facing identification marking, [{fig 3}; illustrates a mail bearing a modified postage indicium imprinted to overly a void mark on a mail

item].

As Per Claims 3, 7, 8 and 10

Herbert discloses a method for The postage indicium fraud detection method of claim 1, wherein the first unique indicium comprises a unique postal numeric encoding technique barcode which is used by automated mail handling equipment to segregate void mail pieces bearing the unique postage numeric encoding technique barcode from mail pieces not bearing the unique postage numeric encoding technique barcode, [{fig 5}; illustrates a postage meter with twp printing stations and {fig 1, 10, 11, 12}; bears destination information and postage indicium printed].

As Per Claims 4 and 12:

Herbert discloses a method for The postage indicium fraud detection method of claim 1, wherein an additional indicium comprising a unique postal alpha numeric encoding technology barcode is printed onto the mail piece or label for the mail piece, which unique postal alpha numeric encoding technology barcode is used to at least one of identify the sender of the void mail piece, the time of the void mail handling, and collect statistics on attempts to mail void mail pieces by the sender, [{fig 5}; illustrates a postage meter with twp printing stations and {fig 1, 10, 11, 12}; bears destination information and postage indicium printed].

As Per Claim 5:

Herbert discloses a method for A postage indicium fraud detection method for permitting

the automated processing of void mail pieces bearing a first unique indicium using existing automated mail handling equipment, comprising, [{col 1, lines 47-50}, having characteristics subject to light or heat]:

printing a first unique indicium on a mail piece or a label to be applied to a mail piece, which first unique indicium is adapted to be identified and sorted by automated mail handling equipment and which unique indicium identifies the mail piece as being a void mail piece, [{col.2, lines 9-15}, print head to print marking on the mail item]; and

processing the void mail piece bearing the first unique indicium with the automated mail handling equipment to identify and segregate the void mail piece from other non-void mail pieces, [{col.1, lines 58-60}, ink rendered invisible preventing copying of postage indicium].

As Per Claim 6:

Herbert discloses a method for The postage indicium fraud detection method of claim 5, wherein the first unique indicium comprises a unique facing identification marking different from facing identification markings (FIM) FIM A, FIM B, and FIM C, [{col.1, lines 58-60}, ink rendered invisible preventing copying of postage indicium].

As Per Claim 9:

A postage indicium fraud detection method for permitting the automated processing and segregation of void mail pieces bearing a first unique indicium from non-void mail pieces not bearing the first unique indicium, comprising, [{col.1, lines 40-50}; preventing copying of

postage indicium printed on a mail item; ink having a characteristic subject to light or heat or the ink in rendered invisible] :

providing client software which permits a user to print information based indicia postage onto a mail piece or label for a mail piece, [{col.2, lines 48-50}; postage indicia may be reproduced (printed) on envelopes];

having the user enter a valid delivery address, select a type of mail piece, mail class, attributes, and special services, [{col.2, lines 42-45}; postage indicium must be a form containing postage information required by postal authority];

having the user verify and accept the address and any modifications thereto, [{;

having the user select between printing a sample void information based indicia postage and a non-void information based postage indicia, [{col.3, lines 31-35}; the mail item firstly imprinted with the void mark];

having a user print a sample information based postage indicia for void mail pieces and printing non-void information based postage indicia for non-void mail pieces, [{fig 2}; illustrates a photocopy of mail item, official and void]; and

providing automated mail handling equipment which is adapted to segregate void information based postage indicia bearing mail pieces from non-void information based postage indicia bearing mail pieces, [{col.4, lines 20-23}; the postage metering system includes control means comprising the microprocessor, the microprocessor controls the mail handling equipment which verifies if postage is void].

Conclusion

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at (571) 272-6905 between the hours of 9-6pm Monday through Friday. The fax number for the establishment where the application is being process is (571) 273-8300.

If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Hayes** can be reached at (571) 272-6708.

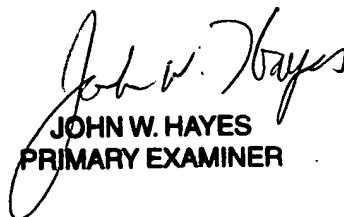
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished is available through Private PAIR only. For more information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/O Technology Center 3600

Washington, D.C. 20231


JOHN W. HAYES
PRIMARY EXAMINER

